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HIGH COURT OF CHHATTISGARH, BILASPUR
W.P.(S) No. 5196/2007

PETITIONER Rajesh Kumar Naidu, Aged about 35 years, S/o Late Shri B.L. Naidu, Occupation -Assistant Draftsman working at Office of Executive Engineer, Public Works Department, Division No.3 , Raipur (C.G.), R/o Qrt. No. H-10, Behind Girls Polytechnic, Pension Bada District Raipur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through it's Secretary, Department of Public Works Department, D.K.S. Bhawan, Raipur (C.G.)
2. Engineer-In-Chief, Public Works Department, Raipur (C.G.)
3. Anusuchit Janajati Pramar Patra Uchha Esatariya Chhanbin Samiti, Through its President, Pandit Ravi Shankar Shukla Vishwavidyala Parisar, Raipur (C.G.)
4. Chhattisgarh Rajya Anusuchit Janajati Ayog, Through its President, 61, Jalvihar Colony, Raipur (C.G.)

Writ Petition Under Article 226 of the Constitution of India.

Appearance:

Shri Vinay Pandey, Counsel for the petitioner.

Shri Yashwant Singh, Govt. Advocate for the State/respondents No.1 & 2 on advance copy.

ORAL ORDER
(11.09.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner is working on the post of Assistant Draftsman, Office of the Executive Engineer, Public Works Department, Division No.3 , Raipur (C.G.). He received a communication (Annexure P/3) from *Chhattisgarh Rajya Anusuchit Janajati Ayog* (respondent No.4) that a matter has been registered before the *Ayog* on the allegation that the petitioner holds a false caste certificate and an enquiry is to be conducted by the Commission, therefore, he should appear before

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the Commission on 07.11.2005 and for the time being, further promotion of the petitioner should be stayed.

Learned counsel for the petitioner submits that the petitioner has appeared before the Commission and he has produced all his testimonials before it, but the Commission is not taking final decision in the matter of the petitioner and the matter is still pending before the Commission. Lastly, a notice dated 3/5/2007 was received by the petitioner for appearing on 10/5/2007. The petitioner appeared on the said date, but no decision was taken on that date also and the matter is still pending without giving any further date. He submits that in the meanwhile, DPC has to be convened and as per memo dated 19/10/2005, department is not going to consider the case of the petitioner as the aforesaid enquiry is pending before the Commission. In light of all this, learned counsel for the petitioner makes a limited prayer that for the time being, the petition may be finally disposed of with a direction to the Commission to conclude the enquiry within the stipulated period granted by this Court so that the matter pending before the Commission may come to an end and the right of the petitioner to be considered for promotion to the next higher post may not be jeopardized.

This limited prayer made by learned counsel for the petitioner is not opposed by learned counsel for the State.

The prayer is allowed.

This petition is finally disposed of with a direction that if the matter pertaining to the enquiry against the petitioner referred to in Annexure P/3 and P/ 5 is still pending before the Commission, the Commission shall finally dispose of the said enquiry as early as possible preferably within a period of 3 months from the date of filing of certified copy of this order alongwith copy of this Writ Petition before the Commission.

With the aforesaid observations, the petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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